

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-42892 of 2019.

Decided on:- November 26, 2019.

Kapil Dev.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. S.S. Sodhi, Advocate for
Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Amit Rana, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.25 dated 17.03.2018 under Section 498-A IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.09.2019 (Annexure P-2).

This Court vide order dated 04.10.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Chief Judicial Magistrate, Gurdaspur and got their statements recorded on 21.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.11.2019 to the

effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. She has already made a statement before learned Magistrate in support of the compromise on 21.10.2019, which reads as under:

“Stated that the matter has been compromised between me and accused Kapil Dev s/o Bishan Dass, r/o village and post office Bhopar Saidan, Tehsil and District Gurdaspur. The compromise has been entered into out of our free will without any pressure, coercion or misrepresentation. There is 1 (one) accused person arrayed in the present case i.e. FIR No.25 dated 17.03.2018 under Section 498-A IPC, P.S. Sadar Gurdaspur. That accused has never been declared proclaimed person in the present case. That no other case is pending between me and accused persons. Except me, there is no other complainant/aggrieved person/affected person in this case. Challan has not been presented in this case.

I have no objection in case the FIR against aforementioned accused is quashed. Copy of the Adhaar Card is Ex-C1.”

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, the petitioner and respondent No.2 are staying together as husband and wife.

This fact has not been disputed by learned counsel for respondent No.2-complainant.

Learned State counsel has also not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others 2014 (4) RCR (Criminal) 206*** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.25 dated 17.03.2018 under Section 498-A IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 14.09.2019 (Annexure P-2).

November 26, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No